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| EXAMINER | |
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| 2127 | 3 |

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Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/631,511 | KATIBIAN ET AL. | |
| | Examiner | Art Unit | |
| | Syed J Ali | 2127 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *03 August 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

## DETAILED ACTION

### *Claim Objections*

1. Claim 8 is objected to because of the following informalities: It appears that a semicolon is missing following "receiving a priority designator". Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4-5 recite the limitation "the digitally encoded video data" in lines 26-27 and lines line 4, respectively. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 8, 13, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Monroe (US 2002/0065076).

As per claim 8, Monroe discloses a method for processing data at a wireless handset comprising:

receiving a priority designator (pg. 5, paragraph 0059, "The control processor 122 provides control parameters including the priority selection procedure and may be operator controll[ed] at keypad 126 or may be pre programmed") ;

determining whether the priority designator is for audio data or video data (pg. 3, paragraph 0048, "one system may have priority over another for data transmission because of reliability issues, whereas a second system may have priority for voice transmission because of cost issues", wherein it is earlier disclosed that one type of data transmission may be that of a camera or other image data);

processing audio data before processing video data if the priority designator is for audio data (pg. 3, paragraph 0048, "a second system may have priority for voice transmission because of cost issues"); and

processing video data before audio data if the priority designator is for video data (pg. 3, paragraph 0048, "one system may have priority over another for data transmission because of reliability issues", wherein one type of data transmission supported is that of digital images").

As per claim 13, Monroe discloses the method of claim 8 further comprising:

determining whether a priority designator change has been received (pg. 5, paragraph 0059, "The control processor 122 provides control parameters including the priority selection procedure and may be operator controll[ed] at keypad 126", wherein a change in processing priority can be effected via the keypad); and

reversing the processing priority of the audio data and the video data (pg. 3, paragraph 0048, "one system may have priority over another for data transmission because of reliability issues, whereas a second system may have priority for voice transmission because of cost issues", wherein the priority is changed between data types depending on either the preprogrammed conditions or the changes effected by the operator).

As per claim 17, Monroe discloses a system for processing audio data and video data in a wireless handset comprising:

an audio data processor receiving audio data and processing the audio data to generate audio service data (pg. 3, paragraph 0048, "a second system may have priority for voice transmission because of cost issues", wherein if a system for voice transmission exists, so must an audio data processor);

a video data processor receiving video data and processing the video data to generate video service data (pg. 3, paragraph 0048, "a facsimile camera or other data capture system...can implement a wireline interface, a PCS interface and/or a cellular interface in any selected prioritization", wherein one type of data capture system may be a type that receives video data,

such as a digital video camera, or web cam, and each of these types of devices typically has a digital signal processor associated with it); and

a controller coupled to the audio data processor and the video data processor, the controller receiving the audio service data and the video service data and generating video control data therefrom (pg. 5, paragraph 0059, "The control processor 122 provides control parameters including the priority selection procedure", wherein the control processor receives both audio and data transmission and allows transmission of both, giving priority to the data type that is indicated by the operator or preprogrammed into the system).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffbeck et al. (USPN 6,445,686) (hereinafter Hoffbeck) in view of Yu et al. (USPN 6,563,513) (hereinafter Yu) in view of Monroe.

As per claim 1, Hoffbeck discloses a system for processing audio and video data for a wireless handset comprising:

an audio sampler receiving audio data and converting the audio data to digitally encoded audio data (col. 4 lines 5-30, "The input to a speech encoder 103 in transmitter 101 is a bit stream of PCM coded speech, which is sampled a, for example, an 8 KHz rate", "the speech signal itself is derived from the analog-to-digital conversion of a user's speech inputted from a wired telephone set on the PSTN or a mobile set on a wireless network").

Yu discloses the following limitation not specifically shown by Hoffbeck, specifically a digital imager receiving image data and converting the image data to digitally encoded image data (col. 2 lines 39-53, "an input color digital image I(x,y) 20 from the Image Database 10 will be processed by processor 12 before being transmitted to cellular telephones and PDA's", "If the size of I(x,y) is larger than a predetermined size (e.g. 480x320), I(x,y) is first sub-sampled 21 to generate an input color digital image I'(x,y) of the predetermined size; otherwise, I'(x,y) will be same as I(x,y). I'(x,y) will then be converted 22 to a gray scale image").

It would have been obvious to one of ordinary skill in the art to combine Hoffbeck and Yu since as wireless telephones are becoming an essential aspect of modern day communication, it follows that as technology progresses the functionality of wireless telephones should progress accordingly. With the advent of digital cameras, wireless web, etc., various features can be added to wireless telephones that greatly increase the capabilities therein. For example, rather than simply having the name of a person appear on the handset when a particular person calls, an image of that person could be displayed on the handset. Similarly, wireless web can be taken from a text only interface to a fully functional browser. By combining known speech digitization techniques for audio communication between wireless telephones, such as that of Hoffbeck, with the ability to transfer digital images, as taught by Yu, wireless telephones can greatly increase

their functionality and therefore serve an even greater importance as technology becomes more and more an essential part of everyday life.

Monroe discloses the following limitation not shown by the modified Hoffbeck, specifically a processor coupled to the audio sampler and the digital imager and receiving the digitally encoded audio data and the digitally encoded image data, the processor giving processing priority to one of the digitally encoded audio data and the digitally encoded image data (pg. 5, paragraph 0059, "This system will permit complex priority decisions. For example, one transmission system may be first priority for a voice only transmission, whereas a second system may be first priority for a text only data transmission", wherein priority can be given to any of a number of different data types, depending on the particular needs of the user and/or the system).

It would have been obvious to one of ordinary skill in the art to combine the modified Hoffbeck with Monroe since under certain circumstances, an image file being received may be of greater importance than the audio data. For instance, if an important document were to be transferred that is on a strict deadline, priority could be given to it in order to ensure its arrival. However, in other circumstances, if the image file was merely an image of a known caller, the image file may be of secondary importance when compared to what the caller is attempting to communicate. In this situation, priority would be given to the audio data. By utilizing the ability of Monroe to define complex priority decisions, functionality can be adapted to suit a large number of needs, while still providing a high degree of reliability.

As per claim 2, Hoffbeck discloses the system of claim 1 wherein the processor further comprises a controller providing control data to the audio sampler that causes the audio sampler to change the rate of audio sampling (col. 4 lines 5-30, "During active speech periods, speech encoder 103 produces full rate frames. During silent periods, speech encoder produces 1/8 rate frames. During transition periods between the talking periods and the silent periods, speech encoder 103 produces ½ or ¼ rate frames").

As per claim 3, Yu discloses the system of claim 1 wherein the processor further comprises a controller providing control data to the digital imager that causes the digital imager to change the rate of digital image data generation (col. 3 lines 16-39, "A subsampling factor F, i.e. the ratio of the predetermined size (e.g. 480x360) and the size of the display panel, is used to reduce the size of the image as described below", wherein a variety of factors are used to change the sampling rate such that the image is resized to fit the display panel as well as converting the image to gray scale from RGB. In modern wireless handsets that support RGB images, the conversion may change the image such that the handset can support the image, e.g., converting from a true color image to a 256 color image).

8. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffbeck in view of Yu in view of Monroe in view of Rostoker et al. (USPN 5,784,572) (hereinafter Rostoker).

As per claim 4, Rostoker discloses the following limitation not shown by the modified Hoffbeck, specifically the system of claim 1 wherein the processor further comprises a multiplex system that controls the assembly of the digitally encoded audio data and the digitally encoded video data into a transmission data packet (col. 3 lines 13-15, "The video and audio transport packets are supplied to a multiplexer 24, which time division multiplexes the audio and video packets into a single data stream").

It would have been obvious to one of ordinary skill in the art to combine the modified Hoffbeck with Rostoker since the development of technology in cellular telephones that allows the transmission of both audio and image data has precipitated a need for finding ways of supporting larger data streams. By combining the data streams into a single multiplexed data packet, the transmission of both types of data can occur simultaneously, and make the process more efficient.

As per claim 5, Rostoker discloses the system of claim 1 wherein the processor further comprises a logical channel controller system that controls the assembly of the digitally encoded audio data and the digitally encoded video data into two or more logical channels (col. 4 lines 37-64, "A compressed signal containing both video [and] audio is supplied to an inverse transport processor 52, which separates the packet headers from the packet data, sends the packet data containing video to a video buffer 54, sends the packet data containing audio to an audio buffer 56 and sends the packet headers to a control unit 58", wherein the inverse transport processor is the logical channel controller that separates the audio and video data into separate channels).

As per claim 6, Rostoker discloses the system of claim 1 wherein the processor further comprises a transmission protocol system that controls the placement of transmission protocol data in a transmission data packet (col. 3 lines 1-15, "A transport processor 16 divides the compressed video signal into packets of data and adds a packet header to each packet data", "An audio formatter 20 generates packet headers for the compressed audio signal", ""The video and audio transport packets are supplied to a multiplexer 24, which time division multiplexes the audio and video packets into a single data stream", wherein the packet headers are generated based on the particular transmission protocol, which inherently must be known in order for the packets to be properly routed, encapsulated, and interpreted).

As per claim 7, Rostoker discloses the system of claim wherein the processor further comprises a data buffer system storing logical channel data for one or more logical channels and transmission buffer data (col. 4 lines 37-64, "A compressed signal containing both video [and] audio is supplied to an inverse transport processor 52, which separates the packet headers from the packet data, sends the packet data containing video to a video buffer 54, sends the packet data containing audio to an audio buffer 56 and sends the packet headers to a control unit 58").

9. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe in view of Matsuzaki et al. (USPN 6,522,672) (hereinafter Matsuzaki).

As per claim 9, Matsuzaki discloses the following limitation not shown by Monroe, specifically the method of claim 8 wherein processing the audio data before the video data if the priority designator is for audio data further comprises setting a multiplex table to an audio priority entry (col. 6 line 60 - col. 7 line 67, "The priority correlation table information comprises, as shown in Fig. 4, packet identifying information 35*a* for identifying each encoded bit stream 75 multiplexed for each packet in the information-source encoding section 31...and priority information 35*d* indicating priority of each packet and program", wherein many different types of media are supported, as suggested in the Abstract).

It would have been obvious to one of ordinary skill in the art to combine Monroe with Matsuzaki since multiplexing a combination of multiple types of data streams together with priority information associated with the different data streams into a single transmission serves the purpose of streamlining all communication in addition to allowing the system to define different priorities to different types of data depending on the needs therein. This fits well within the disclosure of Monroe, as Monroe provides a way of defining priority among various types of data, but fails to account for the large amount of bandwidth required to transmit many different types of data. The combination thereof with Matsuzaki provides a way of encapsulating all of this data within a packet, thus greatly increasing the efficiency of the process.

As per claim 11, Matsuzaki discloses the method of claim 8 wherein processing the video data before the audio data if the priority designator is for video data further comprises setting a multiplex table to a video priority entry (col. 6 line 60 - col. 7 line 67, "The priority correlation table information comprises, as shown in Fig. 4, packet identifying information 35*a* for

identifying each encoded bit stream 75 multiplexed for each packet in the information-source encoding section 31...and priority information 35*d* indicating priority of each packet and program", wherein many different types of media are supported, as suggested in the Abstract).

10. Claims 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe in view of Jokomies et al. (USPN 6,611,674) (hereinafter Jokomies).

As per claim 10, Jokomies discloses the following limitation not shown by Monroe, specifically the method of claim 8 wherein processing the audio data before the video data if the priority designator is for audio data further comprises setting a video encoder data rate (col. 5 line 66 - col. 6 line 15, "On the basis of the result of the comparator 28, the controller 32 decides whether or not to change the coding parameters of the transmitting video codec. If the result from the comparator 28 is that the monitored received signal is within its preferred operating range then the controller 32 directs no changes in the coding parameters").

It would have been obvious to one of ordinary skill in the art to combine Monroe with Jokomies since under different circumstances, the rate of video encoding should be altered depending on the particular needs of the system. For example, if the audio data was set to a higher priority than the video data, that should indicate that a less clear picture is required since it is at a lower priority. Therefore, setting a lower encoding rate would have been obvious since there is no need to clog the data stream with graphic rich video that is a low priority. Rather, the majority of the data stream should be given over to the audio data. Jokomies provides a way of changing the encoding parameters depending on the particular needs and capabilities of a system.

As per claim 18, Jokomies discloses the system of claim 17 wherein the controller further comprises a digital image rate controller generating control data to reduce the rate of digital image generation (col. 5 line 66 - col. 6 line 15, "On the basis of the result of the comparator 28, the controller 32 decides whether or not to change the coding parameters of the transmitting video codec. If the result from the comparator 28 is that the monitored received signal is within its preferred operating range then the controller 32 directs no changes in the coding parameters", wherein the rate of digital image generation is reduced in response to various factors, such as an unsatisfactory image generated at a higher rate).

11. Claims 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe in view of Hoffbeck.

As per claim 12, Hoffbeck discloses the following limitation not shown by Monroe, specifically the method of claim 8 wherein processing the video data before the audio data if the priority designator is for video data further comprises setting an audio sample rate (col. 4 lines 5-30, "During active speech periods, speech encoder 103 produces full rate frames. During silent periods, speech encoder produces 1/8 rate frames. During transition periods between the talking periods and the silent periods, speech encoder 103 produces ½ or ¼ rate frames").

It would have been obvious to one of ordinary skill in the art to combine Monroe with Hoffbeck since varying the rate of audio sampling during periods of activity and inactivity serves the purposed of minimizing the amount of useless data included in the data stream. Furthermore,

if an indication is given that video is of more importance, that indicates that the audio sampling rate can be reduced in order to increase the video encoding rate. This ensures that the data stream that is given the higher priority also has the higher quality reproduction at the handset.

As per claim 19, Hoffbeck discloses the system of claim 17 wherein the controller further comprises an audio sample rate controller generating control data to reduce the rate of audio sampling (col. 4 lines 5-30, "During active speech periods, speech encoder 103 produces full rate frames. During silent periods, speech encoder produces 1/8 rate frames. During transition periods between the talking periods and the silent periods, speech encoder 103 produces ½ or ¼ rate frames", wherein the audio sampling rate is reduced during periods of silence, or transitional periods when voice compression does not require a high sampling rate).

12. Claims 14-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe in view of Rostoker.

As per claim 14, Rostoker discloses the following limitations not shown by Monroe, specifically the method of claim 8 wherein processing audio data further comprises:

assembling a payload data field (col. 3 lines 1-15, "A transport processor 16 divides the compressed video signal into packets of data and adds a packet header to each packet data", wherein the payload data is essentially the data related to either the audio or video data, as suggested by Applicant's specification);

assembling a CRC data field using the payload data field (col. 3 lines 1-15, wherein it is well known in the art to include a CRC in the packet header associated with each data packet in order to reduce corruption and other common errors) (see definition of CRC in FOLDOC, http://wombat.doc.ic.ac.uk/foldoc); and

assembling a service data unit from the payload data field and the CRC data field (col. 3 lines 1-15, wherein the service data unit, i.e., data packet is comprised of payload data, i.e., audio and/or video data, and header information).

It would have been obvious to one of ordinary skill in the art to combine Monroe with Rostoker since the development of technology in cellular telephones that allows the transmission of both audio and image data has precipitated a need for finding ways of supporting larger data streams. By combining the data streams into a single multiplexed data packet, the transmission of both types of data can occur simultaneously, and make the process more efficient. Furthermore, since cellular and wireless telephones are somewhat unreliable since data is easily lost through wireless networks, providing a CRC to ensure that no corruption has occurred within the data stream would be an obvious modification to protect the integrity of the handset in terms of both security and proper functioning of the handset.

As per claim 15, Rostoker discloses the method of claim 8 further comprising:

assembling an audio data unit from the processed audio data (col. 3 lines 1-15, "An audio formatter 20 generates packet headers for the compressed audio signal. An audio transport processor 22 divides the audio signal into packets of data and adds a packet header to each packet data");

assembling a video data unit from the processed video data (col. 3 lines 1-15, "A transport processor 16 divides the compressed video signal into packets of data and adds a packet header to each packet data"); and

assembling a transmission data unit from the audio data unit and the video data unit (col. 3 lines 1-15, "The video and audio transport packets are supplied to a multiplexer 24, which time division multiplexes the audio and video packets into a single data stream").

As per claim 16, Rostoker discloses the method of claim 15 wherein assembling the transmission data unit from the audio data unit and the video data unit further comprises:

placing a flag data unit in a first sequence position and a last sequence position (col. 4 lines 37-64, "If the stream_ID indicates that compression rates and types are stored in the first few bytes of data, the control unit 58 extracts the compression and type from the packet data and stores them in a latch", wherein the stream_ID is essentially a flag indicating whether or not compression data exists within the stream);

placing a header data unit in a second sequence position (col. 3 lines 1-15, wherein header data exists for both the audio and video data packets, and a header must exist for the multiplexed data in order for it to know how to reach a destination)

placing the audio data unit and the video data unit in one or more sequence positions between the second sequence position and the last sequence position according to predetermined criteria (col. 3 lines 1-15, "The video and audio transport packets are supplied to a multiplexer 24, which time division multiplexes the audio and video packets into a single data stream",

wherein the predetermined criteria is set by the multiplexer and is internal to the device such that it knows how to both multiplex and demultiplex the transmission).

As per claim 20, Rostoker discloses the system of claim 17 wherein the controller further comprises a framing system assembling the audio service data and the video service data into a transmission data frame (col. 3 lines 1-15, "The video and audio transport packets are supplied to a multiplexer 24, which time division multiplexes the audio and video packets into a single data stream").

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed J Ali whose telephone number is (703) 305-8106. The examiner can normally be reached on Mon-Fri 8-5:30, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A Grant can be reached on (703) 308-1108. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Syed Ali
September 4, 2003

MAJID A. BANANKHAH
PRIMARY EXAMINER